



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

criminal conversation, the United States district court and the court of appeals of New York, reached different conclusions in the same case. *In re Tinker*, 99 Fed. Rep. 79, 3 Am. Bankr. Rep. 580; *Colwell v. Tinker*, 169 N. Y. 531, 7 Am. Bankr. Rep. 334. *Exline v. Sargent*, 23 Ohio Cir. Ct. Rep. 180, is authority for the principal case, but no case reported has placed a comprehensive and satisfactory construction on this section of the act, and its purpose is still in doubt.

BANKS AND BANKING—SAVINGS BANKS—PASS BOOKS—PAYMENT TO WRONG PARTY—BY-LAW.—Defendant is a savings bank having over 12,000 depositors, of whom plaintiff was one. The latter accepted a pass book in which were printed defendant's by-laws. These provided that "As the officers of the institution may be unable to identify every depositor transacting business at the bank, the institution will not be responsible for loss sustained when the depositor has not given notice of his book being stolen or lost, if such book be paid in whole or in part on presentment." Defendant made payments, first, to a person who falsely personated the plaintiff; and second, upon orders to which plaintiff's signature was forged, plaintiff's pass book being presented in both cases. Defendant did not have the plaintiff's signature upon any book so that it could be easily and speedily referred to for the purpose of comparison. Plaintiff sues for the amount of payments made to the wrong party and upon the forged orders. *Held*, that he could recover. *Ladd v. Augusta Savings Bank* (1902), — Me. —, 52 Atl. Rep. 1012, 58 L. R. A. 288.

The courts agree that such a by-law printed in the pass book does not relieve the officers of the bank from exercising reasonable care and diligence. *Sullivan v. Lewiston Inst. for Savings*, 56 Me. 507, 96 Am. Dec. 500; *Gifford v. Rutland Savings Bank*, 63 Vt. 108, 11 L. R. A. 794, 21 Atl. 340; *Brown v. Merrimack River Savings Bank*, 67 N. H. 549, 39 Atl. 336; *Kummel v. Germania Bank*, 127 N. Y. 488, 13 L. R. A. 786, 28 N. E. 398; *Levy v. Bank*, 117 Mass. 448. The Massachusetts and Pennsylvania courts, and the early Maine decisions, hold that payment upon presentation of pass book, before notice of its loss, in the absence of such circumstances as would tend to excite suspicion or put a man of ordinary prudence upon inquiry, will satisfy the rule requiring such care and diligence. *Sullivan v. Lewiston Inst. for Savings*, *supra*; *Levy v. Bank*, *supra*; *Goldbrick v. Bank*, 123 Mass. 320; *Burrill v. Savings Bank*, 92 Pa. St. 134, 37 Am. Rep. 669. The courts of New York, New Hampshire, Vermont and Connecticut, on the other hand, hold that merely requiring the presentment of the depositor's bank book in order to prove identity, is not the exercise of reasonable care and diligence. *Smith v. Bank*, 101 N. Y. 58, 54 Am. Rep. 653, 4 N. E. 123; *Kummel v. Bank*, *supra*; *Brown v. Bank*, *supra*; *Gifford v. Bank*, *supra*; *Eaves v. Bank*, 27 Conn. 228, 71 Am. Dec. 59. In the present case the court said that the failure of the defendant to preserve the depositor's signature in some convenient place for the purpose of establishing identity by comparison, was a failure to exercise reasonable care and diligence.

CARRIERS—PASSENGER EJECTED AT WRONG PLACE—SICKNESS CAUSED BY ACT OF CARRIER.—A child, who had not paid fare, in charge of an older person who had done so, was put off two hundred and fifty yards beyond his station, thereby causing sickness. In an action for damages, *Held*, that he was a passenger, but may not recover for the sickness caused by being put off at the wrong place. *Rawlings v. Wabash R. R.* (1903), — Mo. App. —, 71 S. W. Rep. 534.